



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Ann M. Veneman  
Secretary of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Madam Secretary

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulation for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.


The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Donald H. Rumsfeld  
Secretary of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Dear Mr. Secretary:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott B. Gudes". The signature is fluid and cursive, with a large initial "S" and "G".

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Spencer Abraham  
Secretary of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Dear Mr. Secretary:

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Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely

A handwritten signature in black ink, appearing to read "Scott B. Gudes", with a stylized flourish at the end.

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Gale Norton  
Secretary of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Madam Secretary:

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Sincerely,



Scott B. Gudes





UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Colin L. Powell  
Secretary of State  
2201 C Street, N.W.  
Washington, D.C. 20520

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Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Norman Mineta  
Secretary of Transportation  
400 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20590

Dear Mr. Secretary:

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Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Paul H. O'Neill  
Secretary of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Dear Mr. Secretary:

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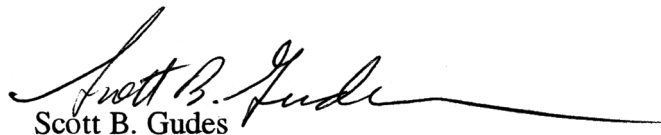
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Sincerely,

  
Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Condoleezza Rice  
Assistant to the President for  
National Security Affairs  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Dr. Rice

I am writing to request comments from your office concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

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In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

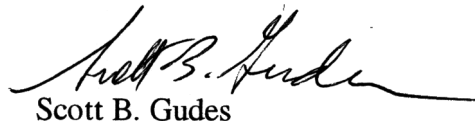
The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your office's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your office may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your office's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes





UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Christine Todd Whitman  
Administrator, Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Ms. Whitman:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott B. Gudes", with a long horizontal flourish extending to the right.

Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Patrick Wood III  
Chairman, Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Dear Mr. Wood:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.


The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

Lieutenant General Robert B. Flowers  
Chief of Engineers  
2600 Army Pentagon  
Washington, D.C. 20310-2600

Dear General Flowers:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.


The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

Admiral Thomas H. Collins  
Commandant, U.S. Coast Guard  
2100 Second Street, S.W.  
Washington, D.C. 20593

Dear Admiral Collins:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes





UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

The Honorable Richard A. Meserve  
Chairman, Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Mr. Meserve:

I am writing to request the Nuclear Regulatory Commission's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting the NRC's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. The Commission may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that the NRC's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

Mr. Steven A. Williams  
Director, U.S. Fish and Wildlife Service  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Mr. Williams:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

Ms. Rejane Burton  
Director, Minerals Management Service  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Ms. Burton:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.


The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes



UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

Ms. Fran Mainella  
Director, National Park Service  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Ms. Mainella:

I am writing to request your agency's comments concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.


The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting your agency's views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, I respectfully request that your agency's comments be submitted no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this letter, please contact Mr. Blum at (301) 713-2967, extension 207.

Sincerely,



Scott B. Gudes






UNITED STATES DEPARTMENT OF COMMERCE  
The Deputy Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

SEP 26 2002

MEMORANDUM FOR: William T. Hogarth  
Assistant Administrator for Fisheries

FROM: Scott B. Gudes 

SUBJECT: Department of Commerce Administrative Appeal - Millennium  
Pipeline Company

I am writing to request the comments of the National Marine Fisheries Service concerning an administrative appeal brought by the Millennium Pipeline Company (Millennium or Appellant) before the Secretary of Commerce pursuant to the Coastal Zone Management Act (CZMA).<sup>1</sup> The appeal asks the Secretary to override the State of New York's objection to Millennium's proposed natural gas pipeline that would extend from the Canadian border in Lake Erie and cross the Hudson River to a terminus outside of New York City, affecting the natural resources or land and water uses of New York's coastal zone. The Department's regulations implementing the CZMA require that interested Federal agencies be afforded an opportunity to comment on the appeal. See 15 C.F.R. §930.128(c).

The appeal is taken from an objection by the New York Department of State to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission to construct and operate the proposed pipeline. Millennium's certification indicates that the project is consistent with the State's coastal management program. The State's objection, if made in a timely fashion, precludes Federal agencies from granting licenses or permits required by the project, unless the objection is overridden by the Secretary. See CZMA section 307(c)(3)(A), 16 U.S.C. § 1456(c)(3)(A), and 15 C.F.R. § 930.64.

In this appeal, the Appellant has requested the Secretary to override the State's consistency objection for a procedural reason, concerning the timing of the State's objection to the Millennium project. The Appellant also requests an override of the State's objection on the two substantive grounds provided in the CZMA. The first ground requires the Secretary to determine that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) the proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner;

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<sup>1</sup>Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. §§ 1451 et seq. The Department of Commerce's implementing regulations for CZMA appeals are found at 15 C.F.R. Part 930, Subpart H, (revised, effective January 8, 2001).



(2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the State of New York's coastal zone management program. See 15 C.F.R. § 930.121.

The second substantive ground for overriding a State's objection considers whether the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity in question was not permitted to go forward as proposed. See 15 C.F.R. § 930.122.

The National Oceanic and Atmospheric Administration has been delegated the responsibility for undertaking many aspects of the CZMA administrative appeals process for the Secretary. In this context, I am requesting NMFS' views on any of the above issues about which it may wish to comment. I note that materials and related documents contained in the appeal record are being made available for public review via the Internet at <http://www.ogc.doc.gov/czma.htm>. Portions of documents that are determined to contain national security or other information inappropriate for public dissemination will not be available at this site. Your agency may also contact the NOAA Office of the Assistant General Counsel for Ocean Services at the address below, if there is an interest in reviewing information from the record.

In order for this appeal to be decided in a timely fashion, please submit your comments no later than December 2, 2002. Please forward any comments to: Branden Blum, Senior Counselor, c/o Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, Maryland 20910.

Should your staff have questions concerning this memorandum, please contact Mr. Blum at (301) 713-2967, extension 207.